

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CURRY ROBINSON,)	
)	Civil Action No. 16 – 44J
Plaintiff,)	
)	
v.)	District Judge Kim R. Gibson
)	Magistrate Judge Lisa Pupo Lenihan
KENNETH CAMERON,)	
<i>Superintendent</i> , JOHN E. WETZEL,)	
<i>Secretary of D.O.C.</i> , VINCENT)	
DEFELICE, <i>Unit Manager</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Pending before the Court is a Motion for Summary Judgment filed by Defendants on November 22, 2017 (ECF No. 61), that was referred to United States Magistrate Judge Lisa Pupo Lenihan pursuant to the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court. On August 9, 2018, the Magistrate Judge issued a Report and Recommendation (ECF No. 90) wherein she recommended that the Motion for Summary Judgment be granted and that summary judgment be entered (i) in favor of Defendants Cameron and Defelice for lack of personal involvement and (ii) in favor of all Defendants because they have shown that the prison policy in question furthers a compelling governmental interest and is the least restrictive means of furthering that interest. The Report and Recommendation was served on the parties and Plaintiff filed timely written objections to it on September 14, 2018. (ECF No. 95.)

In resolving a party's objections, the Court conducts a *de novo* review of any part of the Report and Recommendation that has been properly objected to. Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1). The Court may accept, reject, or modify the recommended disposition, as well as receive further evidence or return the matter to the magistrate judge with instructions. *Id.*

After careful *de novo* review, the following Order is now entered.

AND NOW, this 20th day of September, 2018;

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 90) is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment (ECF No. 61) is granted (i) in favor of Defendants Cameron and Defelice for lack of personal involvement and (ii) in favor of all Defendants because they have shown that the prison policy in question furthers a compelling governmental interest and is the least restrictive means of furthering that interest.

IT IS FURTHER ORDERED that the Clerk of Court enter Judgment in favor of Defendants and mark this case closed.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:



Kim R. Gibson
United States District Judge

cc: Curry Robinson
GR-5392
SCI Houtzdale
P.O. Box 1000

Houtzdale, PA 16698

Counsel for Defendants
(*Via CM/ECF electronic mail*)